EXHIBIT 1A

SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SANTA CLARA

THEFACEBOOK, INC.

Plaintiff,

CASE NO. 105 CV 047381

¢¢nnectu llc, cameron winklevoss, TYLER WINKLEVOSS, HOWARD winklevoss, divya narenda, and DOES 1-25,

Defendants.

CERTIFIED COPY

*** HIGHLY CONFIDENTIAL, ATTORNEYS' EYES ONLY ***

HIGHLY CONFIDENTIAL

ATTORNEYS EYES ONLY

DEPOSITION OF MARK ZUCKERBERG

April 25, 2006

Pages 1 - 260

REPORTED BY: LAWRENCE PAUL NELSON, CSR 12144



GROSSMAN & COTTER GERTIFIED COURT REPORTERS

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     FOR THE DEFENDANTS:
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 9
10
     ALSO PRESENT:
11
                  MARGUERITE HOWELL, VIDEOGRAPHER
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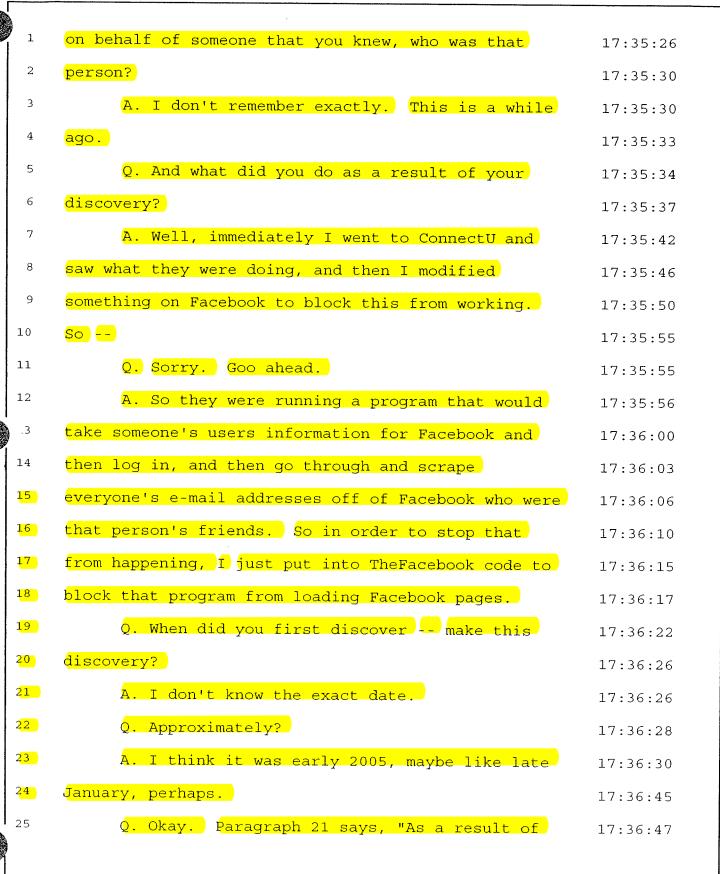
1	BE IT REMEMBERED that, pursuant to	
2	Notice of Taking Deposition, and on April 25, 2006,	
3	commencing at the hour of 10:13 a.m. thereof, at	
4	3300 Hillview, Palo Alto, California, before me,	
5	LAWRENCE PAUL NELSON, CSR No. 12144, duly authorized	
6	to administer oaths, there personally appeared	
7	MARK ZUCKERBERG,	
8	called as a witness by the Defendants, and who,	
9	being first administered an oath, was thereupon	
10	examined and testified as hereinafter set forth.	
11		
12	THE VIDEOGRAPHER: Good morning. This	10:13:35
73	marks the beginning of volume 1, videotape 1 in the	10:13:37
14	deposition of Mark Zuckerberg in the matter of	10:13:42
15	TheFacebook, Inc. versus ConnectU, et al, in	10:13:46
16	Superior Court of the State of California, County of	10:13:54
17	Santa Clara, Case No. 105 CV 047381. Today's date	10:13:58
18	is April 25th, 2006, and the time is 10:14 a.m.	10:14:07
19	The location of this deposition is the	10:14:14
20	offices of Finnegan, Henderson, Farabow, Garrett &	10:14:17
21	Dunner, 3300 Hillview, Palo Alto, California.	10:14:24
22	The deposition was noticed by attorneys for	10:14:29
23	the defendants and the videotape is being produced	10:14:34
24	on behalf of the same.	10:14:36
25	The video operator is Marguerite Howell, a	10:14:39

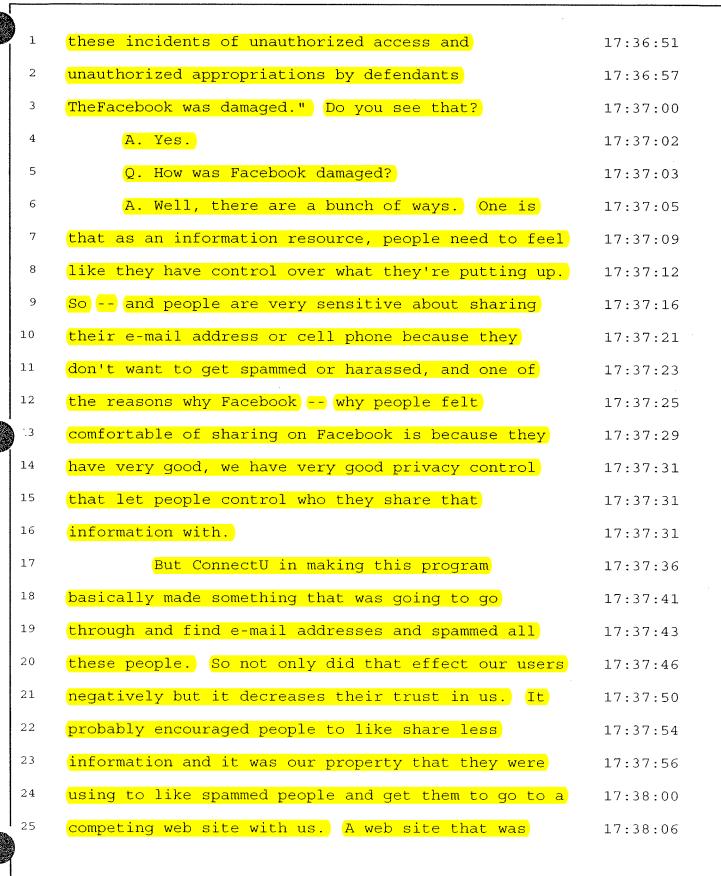
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	don't you do that?	17:27:56
] :	MR. GUY: How much longer do we need to go,	17:27:58
	Counsel?	17:28:01
4	MR. MOSKO: I still have several questions.	17:28:02
į	5 What do you want to do?	17:28:04
	MR. GUY: Are we almost done?	17:28:06
	MR. MOSKO: I don't know what "almost"	17:28:07
}	8 mean. As I said I thought I had between an hour and	17:28:09
9	two hours when you asked me before.	17:28:13
10	MR. GUY: And where are we now?	17:28:16
11	MR. MOSKO: Could be better than an hour,	17:28:18
12	depends on his answers to some of these questions.	17:28:20
13	What do you want to do?	17:28:23
14	MR. GUY: Well, I tell you what. We'll let	17:28:24
15	you go for another 10 minutes but it's not going to	17:28:24
16	be another hour. I think you spent most of the day	17:28:27
17	doing something that has nothing to do with this	17:28:30
18	case so we consider the deposition will be closed in	17:28:32
19	another 10 minutes.	17:28:35
20	MR. MOSKO: Okay. We'll agree to disagree	17:28:37
21	on that. I'll ask questions for 10 minutes.	17:28:39
22	THE WITNESS: Okay. So I've read to 11.	17:29:13
23	BY MR. MOSKO:	17:29:18
24	Q. Okay. Do you understand what the phrase	17:29:18
₂₅	"in order to legally access users profiles" means?	17:29:24

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1	MR. GUY: May call for a legal conclusion	17:29:33
2	but he can testify to his understanding.	17:29:35
3	THE WITNESS: I mean I think that that	17:29:40
4	means in order to access users profiles without	17:29:42
5	breaking the law.	17:29:45
6	BY MR. MOSKO:	17:29:47
7	Q. And do you have an understanding of what	17:29:48
8	law is referred to in this paragraph?	17:29:50
9	MR. GUY: Calls for a legal conclusion.	17:29:58
10	Answer if you know.	17:30:00
11	THE WITNESS: The use of the site is	17:30:03
12	governed by the terms of use. You agree to the	17:30:06
L3	terms of use by using the site. The terms of use	17:30:09
14	probably states that you have to sign in and	17:30:13
15	register in order to use the site, that you can't	17:30:16
16	use it commercially or by any other use.	17:30:19
17	BY MR. MOSKO:	17:30:23
18	Q. And do you have any information to support	17:30:23
1 <mark>9</mark>	the last sentence in that paragraph that says,	17:30:28
20	During and all relevant times defendants were aware	17:30:31
21	of the policies referred to"?	17:30:34
22	A. Well, by registering for the site there's	17:30:40
23	a link right there that says, "Check this if you	17:30:47
24	have read and agree to the terms of use." So by	17:30:51
25	registering for the site, they have.	17:30:54

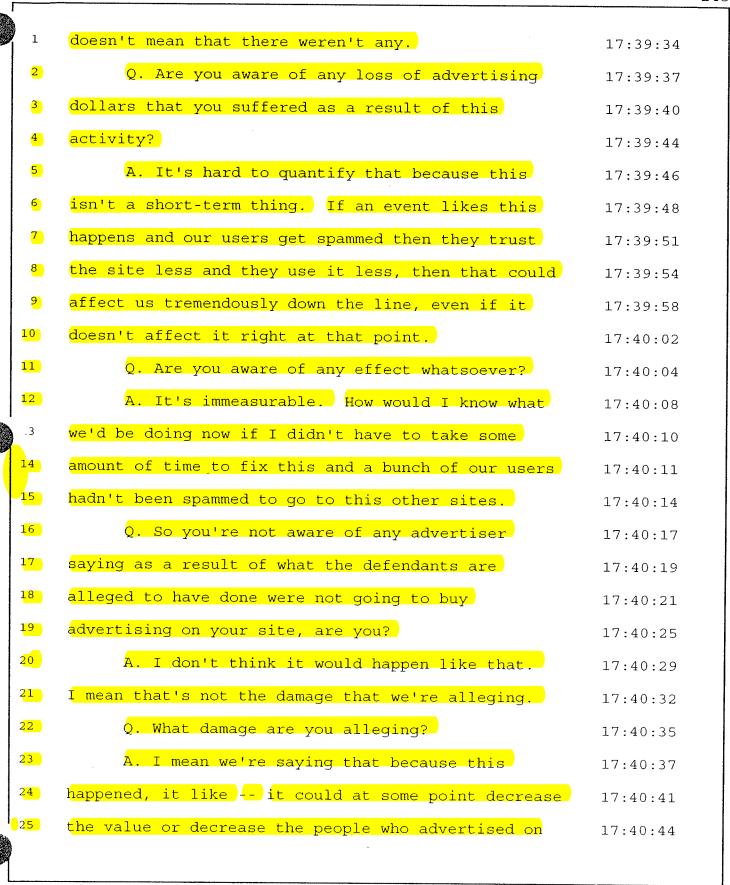
1	Q. And did that box to check exist at all	17:30:59
2	times since TheFacebook has operated?	17:31:07
3	A. Yes. I mean there's also a link to the	17:31:12
4	"terms of service and privacy," on every page of the	17:31:20
5	site.	17:31:22
6	Q. Paragraph 15 says, "TheFacebook also	17:31:26
7	restrict access to and has always used it best	17:31:31
8	efforts to keep confidential its aggregate customer	17:31:34
9	lists." What does that mean if you know, aggregate	17:31:40
10	customer lists?	17:31:44
11	A. So I believe what they're talking about	17:31:44
12	there is that this site is made in such a way that	17:31:47
13	you can get access to a person's profile or search	17:31:54
14	for someone, but it's made explicitly to prohibit	17:31:57
15	you from being able to go through and access	17:32:00
16	everyone's profile or everyone's information. So by	17:32:03
17	that I mean both that you can't see everyone on the	17:32:06
18	site, you can only see the profiles of your friend	17:32:10
19	and people at your school, and I also mean that you	17:32:12
20	can't go through even to everyone at your school and	17:32:15
21	access all of their information. Facebook will	17:32:18
22	block you from doing that.	17:32:23
23	Q. Has that been true since it began in	17:32:24
24	February of 2004?	17:32:27
25	A. The former is true. The latter is has	17:32:28

1	THE WITNESS: I really don't understand	17:33:47
2	what that question's asking.	
3	BY MR. MOSKO:	17:33:48
4		17:33:50
	Q. Do you understand that Facebook has	17:33:51
5	accused the defendants in this case of accessing	17:33:56
6	e-mail addresses found on Facebook?	17:34:01
7	A. Yes.	17:34:06
8	Q. When did Facebook first conclude that the	17:34:09
9	defendants were accessing e-mail addressing on	17:34:22
10	Facebook?	17:34:31
11	A. It first occurred to me that they were	17:34:33
12	doing this when I received an e-mail that was	17:34:35
3	generated automatically by ConnectU, on behalf of	17:34:39
14	someone I knew and the e-mail said that this person	17:34:44
15	had imported all their friends from Facebook to	17:34:48
16	ConnectU using Connect U's social butterfly service.	17:34:53
17	So at that point I went to ConnectU to see what this	17:34:57
18	was and I mean the only way that that could have	17:35:00
19	happened was if they looked through that person's	17:35:03
20	friends and got all their e-mails and then e-mailed	17:35:07
21	all of them.	17:35:10
<mark>2</mark> 2	Q. So you said you went to ConnectU, what did	17:35:11
23	you mean by that? You went to the web site?	17:35:15
24	A. Yeah.	17:35:16
25	Q. And you said when you received an e-mail	17:35:21
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	competing with us.	17:38:08
2	Q. What evidence do you have that it	17:38:09
3	decreased your users's trust in you?	17:38:11
4	A. I don't know.	17:38:17
5	Q. And what evidence do you have that it had	17:38:23
6	an effect on Facebook?	17:38:25
7	A. I mean there were probably I would	17:38:36
8	guess but I don't know, that like people notice when	17:38:42
9	they're getting spammed and that makes them less	17:38:47
10	trustful of it. But the effect it had on Facebook	17:38:51
11	was largely that like our property had been	17:38:54
12	essentially broken into and was being used to fuel	17:38:58
.3	competing web site.	17:39:02
14	And then I had to take along with Dustin or	17:39:03
15	four days of my time to block them from doing this.	17:39:06
16	Because after I originally stopped their program	17:39:09
17	from running, they went back and modified it to make	17:39:12
18	it run again, and then we had to block that and that	17:39:14
19	kept on going on.	17:39:18
20	Q. You're not aware of any users who dropped	17:39:20
21	out of Facebook as a result of this activity, are	17:39:23
22	you?	17:39:27
23	A. Any individual users?	17:39:29
24	Q. Yes.	17:39:30
25	A. I can't point to any specific one but that	
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- I, LAWRENCE PAUL NELSON, duly authorized to
- 4 administer oaths pursuant to Section 2093(b) of the
- 5 California Code of Civil Procedure, do hereby certify:
- 6 That the witness in the foregoing deposition was
- administered an oath to testify the truth in the
- within-entitled cause; that said deposition was taken
- 9 at the time and place therein stated; that the
- testimony of the said witness was reported by me and
- was thereafter transcribed under my direction into
- typewriting; that the foregoing is a complete and
- accurate record of said testimony; and that the witness
- was given an opportunity to read and correct said
- deposition and to subscribe the same.
- Should the signature of the witness not be
- affixed to the deposition, the witness shall not have
- availed himself/herself of the opportunity to sign or
- the signature has been waived.
- I further certify that I am not of counsel nor
- attorney for any of the parties in the foregoing
- deposition and caption named nor in any way interested
- in the outcome of the cause named in said caption.
- 24 DATED: May 4, 2006

LAWRENCE PAUL NELSON, CSR NO. 12144